

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the brief telephone conversation on January 31, 2007.

Disposition of Claims

Claim 1-20, 22, 23, 27-39, 51-68, 76-87, 101-119, 121, 122, 124, 125, 127-129, 131-133, 135-137, 139, and 140-142 are currently pending in this application. Claims 1, 12, 51, 60 and 141 are independent. The remaining claims depend, directly or indirectly, from claims 1, 12, 51, 60, and 141.

Claim Amendments

Independent claims 1 and 51 have been amended to include similar language recited in independent claim 141. Particularly, independent claims 1 and 51 now recite that one of only audio or visual access is permitted, *when complete access rights are not received by the user*. Further, the independent claims have been amended to correct antecedent basis issues and remove “if” clauses for clarity. As discussed with the Examiner briefly on the phone on January 31, 2007, Applicant believes that no new search or consideration is required by the amended claim, as they recite subject matter that has already been examined with respect to independent claim 141.

Rejections under 35 U.S.C. § 102

Claims 1-6, 8, 15-18, 30, 31, 33, 35, 38, 39, 51-55, 65, 78, 79, 83, 84, 86, 87, 102, 108, 111, 112, 119, 125, 127, 129, 131, 133, and 139-142 stand rejected under 35 U.S.C. 102(e) as

being anticipated by US Patent No. 5,903,314 ("Niijima"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

With respect to the rejection of independent claims 1, 51, and 141, the Examiner cites column 14 lines 53 – column 15, line 9 of Niijima as disclosing the limitations reciting "means for permitting one of only audio access or only visual access by the user to one of the programme and the channel when displayed in said windows, when complete access rights to the programme or the channel are not received" (see Office Action mailed December 18, 2006, page 3). Applicant respectfully disagrees.

Specifically, the cited portion of Niijima discloses a CAM that deciphers the programs to which the CAM stores the necessary keys. However, Niijima fails to disclose or suggest that programs to which the CAM does not have the keys are not deciphered. Further, and more importantly, Niijima does not disclose or suggest any special treatment for the programs that cannot be deciphered. In the claimed invention, it is clear that programs to which complete access rights are not received, are displayed with either *only audio* or *only visual* access, but not both. In contrast, Niijima is wholly silent as to the handling of programs to which the CAM does not have the necessary keys. It is possible that Niijima was set up for subscribers such that subscribers only have access to all channels offered by the decoder. However, regardless of whether Niijima does not decipher programs to which the CAM does not have the necessary keys, it is clear that Niijima does not do anything else which such programs that cannot be deciphered. Thus, it is not possible for the system of Niijima to display the undeciphered programs such that the user has only audio or only visual access to them, because the programs are not even deciphered for any type of display.

Additionally, column 15, lines 4-8 of Niijima disclose the following:

“Then, when the result of the decipherment is ordinary program data, the demultiplexer 24 supplies image data or audio data forming the program data to the multi-channel real time decoder 25 or an MPEG audio decoder 26.”

Although Niijima appears to suggest that either image data or audio data could be sent to the decoder, there is nothing in Niijima that links the sending of image data or audio data to *access rights*. In fact, other than the mention of “necessary keys” described above, Niijima is not particularly concerned with access rights. Rather, Niijima is only concerned with the display of the mosaic and the ordering of channels within the display. More specifically, the cited portion of Niijima discloses that the image data is sent to the multi-channel real time decoder and the audio data is sent to the MPEG audio decoder. Because the aforementioned sending of data is not linked to access rights at all, it is clear that ordinary program data is sent to the mosaic in Niijima without any modification or special treatment (*i.e.*, of sending only audio data or only visual data).

Said another way, there is nothing in Niijima that states that in any case, only the audio data should be sent to the mosaic based on whether *complete access rights* are received or not. As support that image data is always sent to the mosaic in Niijima, column 15, lines 10-31 of Niijima clearly states:

“the decoded video data are supplied, when they are data of an ordinary program, to an NTSC encoder 27, by which they are converted into a brightness signal...” and that “video data of a program selection screen are supplied...[and] nine predetermined reduced screen are read out...and supplied to the NTSC encoder 27.”

In the aforementioned passage, Niijima explicitly states that the image data is sent and that all nine reduced screens are displayed, which clearly contradicts the Examiner’s position that Niijima teaches that image data is only sent sometimes, depending on what type of access rights are received by the subscriber. Similarly, Niijima also does not disclose or suggest sending only

audio data (sound data) based on access rights received by a subscriber (*see* Niijima, col. 23, ll. 24-38, col. 33, ll. 30-40, and col. 34, ll. 12-16 and 61-64 for a discussion on audio data in Niijima).

In view of the above, it is clear that Niijima fails to disclose or suggest all the limitations of recited in independent claims 1, 51, and 141. Dependent claims 2-6, 8, 15-18, 30, 31, 33, 35, 38, 39, 52-55, 65, 78, 79, 83, 84, 86, 87, 102, 108, 111, 112, 119, 125, 127, 129, 131, 133, 139, 140, and 142 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 7 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of U.S. Patent No. 5,758,259 ("Lawler"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Niijima fails to disclose each and every limitation of independent claims 1 and 51. Further, Lawler fails to supply that which Niijima lacks, as evidenced by the fact that the Examiner relies on Lawler solely for the purpose of disclosing that audio information is prohibited if the cursor is positioned over a mosaic window for longer than a predetermined length of time (*see* Office Action mailed December 18, 2006, page 13).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Niijima and Lawler, whether considered separately or in combination. Dependent claims 7 and 56 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima in view of U.S. Patent No. 5,874,936 (“Berstis”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijjima fails disclose all the limitations of independent claims 1 and 51. Further, Berstis fails to supply that which Nijjima lacks, as evidenced by the fact that the Examiner relies on Berstis solely for the purpose of disclosing a “means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active,” where the cursor is repositioned either immediately or after a predetermined length of time (*see* Office Action mailed December 18, 2006, page 14).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Nijjima and Berstis, whether considered separately or in combination. Further, dependent claims 9, 10, 57, and 58 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima in view of U.S. Publication No. 2003/0101452 (“Hanaya”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijjima fails disclose all the limitations of independent claims 1 and 51. Further, Hanaya fails to supply that which Nijjima lacks, as evidenced by the fact that Hanaya is relied upon solely for the purpose of disclosing changing attributes of a cursor depending on the characteristic of a program/channel displayed in a window over which the cursor is positioned (*see* Office Action mailed December 18, 2006, pages 15-16).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Nijima and Hanaya, whether considered separately or in combination. Further, dependent claims 11, 13, 59, and 61 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12, 60, 63, 64, 66, 101, 107, 118, 124, 128, and 132 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima in view of Hanaya and Berstis. This rejection is respectfully traversed.

As described above, Nijima does not contemplate any modification or special treatment for programs displayed in a mosaic to which *full access rights are not received*. In addition, the Examiner admits that Nijima fails to disclose or suggest changing an attribute of the cursor depending on the characteristic of at least of a program or a channel over which the cursor is positioned, and that the cursor is automatically repositioned after a non-instantaneous predetermined amount of time when the cursor is positioned on a window (*see* Office Action mailed December 18, 2006, pages 16-17).

Further, Hanaya and Berstis fail to supply that which Nijima lacks, as evidenced by the fact that the Examiner relies on Hanaya solely for the purpose of changing an attribute of a cursor based on the characteristic of the program/channel (*see* Office Action mailed December 18, 2006, page 17). The Examiner asserts that Berstis teaches “automatically re-positioning the cursor after a non-instantaneous predetermined period of time in the event that the cursor is placed over the window that is not active or not accessible after performing a check to determine if the window is opened. Applicant respectfully disagrees.

Berstis discloses that when a window is open and user input is given, a determination is made as to whether the cursor is displayed in an open window. If the cursor is not displayed in an open window, then the cursor is displayed in an open window (*see* Berstis, Figure 3). This is clearly distinct from *re-positioning* of a cursor, because re-positioning implies that the cursor was originally positioned. In Berstis, the cursor is not positioned at all before it is displayed. Berstis further states that if the cursor is displayed, it is verified if the cursor is at a boundary, and subsequently if it should be moved to another window, implying that the cursor is *inside* a window (*see* Berstis, Figure 3 and accompanying text).

Furthermore, Berstis is completely silent with respect to re-positioning a cursor after a pre-determined non-instantaneous period of time. In fact, re-positioning after a pre-determined non-instantaneous period of time goes against the invention disclosed in Berstis because Berstis would not want to make a user wait before re-positioning.

In view of the above it is clear that none of Niijima, Hanaya, and Berstis, whether considered separately or in combination, disclose the limitations of independent claims 12 and 60. Thus, independent claims 12 and 60 are patentable over Niijima, Hanaya, and Berstis. Dependent claims 63, 64, 66, 101, 107, 118, 124, 128, and 132 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14 and 110 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of Hanaya and further in view of US. Patent No. 5,809,204 ("Young"). To the extent that this rejection may still apply to the amended claim, this rejection is respectfully traversed.

As described above, Niijima and Hanaya fail to disclose or suggest the limitations of independent claims 1 and 51. Further, Young fails to supply that which Niijima and Hanaya lack, as evidenced by the fact that Young is relied upon solely for the purpose of disclosing means for receiving data for assigning the characteristic from a remote control handset (*see* Office Action mailed December 18, 2006, page 20).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Niijima, Hanaya, and Young, whether considered separately or in combination. Dependent claims 14 and 110 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 19, 28, and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of WO 96/37996 ("Townsend"). To the extent that this rejection may still apply to the amended claim, this rejection is respectfully traversed.

As described above, Niijima fails to teach or suggest the limitations of independent claims 1 and 51. Further, Townsend fails to supply that which Niijima lacks, as evidenced by the fact that Townsend is relied upon solely for the purpose of disclosing a means for dialing up the communications center to supply a request for information about a displayed program and receiving access rights from a remote control handset associated with the decoder (*see* Office Action mailed December 18, 2006, pages 20-21).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Niijima and Townsend, whether considered separately or in combination. Dependent claims 19, 28, and 76 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, 23, 27, 103, 109, 113, 114, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima in view of Young. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijima fails to disclose or suggest the limitations of amended independent claims 1 and 51. Further, Young fails to supply that which Nijima lacks, as evidenced by the fact that for rejecting claims 20 and 113, Young is used by the Examiner solely for the purpose of disclosing a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Office Action mailed December 18, 2006, page 22). With respect to claims 22, 23, 114, and 116, the Examiner relies on Young solely for the purpose of disclosing a forthcoming schedule and the textual display of program schedule information (*see* Office Action mailed December 18, 2006, page 22). With respect to claim 27, the Examiner uses Young solely for the purpose of disclosing that pictorial images comprise video footage (*see* Office Action mailed December 18, 2006, page 22).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Nijima and Young, whether considered separately or in combination. Dependent claims 20, 22, 23, 27, 103, 109, 113, 114, and 116 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 29 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima, Townsend, and further in view of U.S. Patent No. 5,594,509 (“Florin”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijima and Townsend fail to disclose the limitations of amended independent claims 1 and 51. Further, Florin fails to supply that which Nijima and Townsend

lack, as evidenced by the fact that the Examiner relies on Florin solely for the purpose of disclosing authenticating a PIN number (*see* Office Action mailed December 18, 2006, page 24). In view of the above, amended independent claims 1 and 51 are patentable over Nijjima, Townsend and Florin, whether considered separately or in combination. Dependent claims 29 and 77 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima in view of U.S. Patent No. 5,663,757 ("Morales"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijjima fails to disclose all the limitations of amended independent claims 1 and 51. Further, Morales fails to supply that which Nijjima lacks, as evidenced by the fact that the Examiner relies on Morales solely for the purpose of disclosing logos on channels and images (*see* Office Action mailed December 18, 2006, pages 24-25). In view of the above, amended independent claims 1 and 51 are patentable over Nijjima and Morales, whether considered separately or in combination. Dependent claims 32, 80, and 81 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima in view of U.S. Publication No. 2001/0052135 ("Balakrishnan"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijjima fails to disclose all the limitations of amended independent claims 1 and 51. Further, Balakrishnan fails to supply that which Nijjima lacks, as evidenced by the fact that the Examiner relies on Balakrishnan solely for the purpose of disclosing an

advertisement (*see* Office Action mailed December 18, 2006, page 25). In view of the above, amended independent claims 1 and 51 are patentable over Nijima and Balakrishnan, whether considered separately or in combination. Dependent claims 34 and 82 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37, 85, 105, and 122 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima in view of U.S. Patent No. 5,978,649 (“Kahn”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijima fails to disclose all the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Nijima lacks, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of disclosing a means for generating a message due to lack of access rights when a cursor is on a channel (*see* Office Action mailed December 18, 2006, page 25). In view of the above, amended independent claims 1 and 51 are patentable over Townsend and Kahn, whether considered separately or in combination. Dependent claims 37, 85, 105, and 122 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 62, 68, 115, and 117 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima, Hanaya, Berstis, and further in view of Young. This rejection is respectfully traversed.

As described above, Nijima, Hanaya, and Berstis fail to disclose or suggest all the limitations of amended independent claim 60. Further, with respect to claim 62, Young fails to supply that which Nijima lacks, as evidenced by the fact that the Examiner uses Young solely for the purpose of disclosing receiving data for assigning the characteristic from a remote control

handset associated with the decoder and means for assigning the characteristic in response to the received data (*see* Office Action mailed December 18, 2006, page 26).

Similarly, with respect to claim 68, Young is used by the Examiner solely for the purpose of disclosing a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Office Action mailed December 18, 2006, page 27). With respect to claims 115 and 117, the Examiner relies on Young solely for the purpose of disclosing a forthcoming schedule and the textual display of program schedule information (*see* Office Action mailed December 18, 2006, pages 27-28).

In view of the above, it is clear that amended independent claim 60 is patentable over Nijjima, Hanaya, Berstis, and Young, whether considered separately or in combination. Further, dependent claims 62, 68, 115, and 117 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 67 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima, Hanaya, Berstis, and further in view of Townsend. This rejection is respectfully traversed.

As described above, none of Nijjima, Hanaya, Berstis, and Townsend disclose or suggest the limitations of amended independent claim 60. Thus, it is clear that amended independent claim 60 is patentable over Nijjima, Hanaya, Berstis, and Townsend, whether considered separately or in combination. Dependent claim 67 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 104 and 121 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima, Hanaya, Berstis, and further in view of Kahn. This rejection is respectfully traversed.

As described above, Niijima, Hanaya, and Berstis fail to disclose or suggest all the limitations of amended independent claim 60. Further, Kahn fails to supply that which Niijima, Hanaya, and Berstis lack, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of a means for generating message information for a user of the access rights of a channel in the event of placing a cursor on the channel (*see* Office Action mailed December 18, 2006, page 29). In view of the above, it is clear that amended independent claim 60 is patentable over Niijima, Hanaya, Berstis, and Kahn, whether considered separately or in combination. Dependent claims 104 and 121 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 106 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of Young and further in view of Kahn. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, amended independent claim 1 is patentable over Niijima, Young, and Kahn, whether considered separately or in combination. Further, dependent claim 106 is patentable over Niijima, Young, and Kahn for at least the same reasons as independent claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 135 and 137 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima and further in view of Florin. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, amended independent claim 51 is patentable over Niijima and Florin, whether considered separately or in combination. Further, dependent claim 135 is

patentable over Niijima and Florin for at least the same reasons as amended independent claim

51. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 136 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima Hanaya, Berstis, and further in view of Florin. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

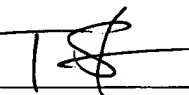
As described above, Niijima, Hanaya, and Berstis fail to disclose or suggest the limitations of amended independent claim 60. Further, Florin fails to supply that which Niijima, Hanaya, and Berstis lack, as evidenced by the fact that the Examiner relies on Florin solely for the purpose of disclosing a window in constant position (*see* Office Action mailed December 18, 2006, page 31). In view of the above, it is clear that amended independent claim 60 is patentable over Niijima, Hanaya, Berstis, and Florin, whether considered separately or in combination. Dependent claim 136 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

Dated: February 6, 2007

Respectfully submitted,

By  #45,079
Jonathan P. Osha ~~THOMAS SCHERER~~
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant